



MINISTERU GĦAT-TRASPORT,
INFRASTRUTTURA U PROĠETTI KAPITALI

Tiżniġ tal-qafas legali li jirregola twaqqiġ ta' bini u skavar ta' siti ta' kostruzzjoni

SKOP

- L-iskop ta' dawn ir-regolamenti hu li jassikuraw li qabel ma jinbeda xi tip ta' xogħol ta' demolizzjoni, skavar jew bini, għandhom jitthejjew metodologiji li huma teknikament siguri sabiex jiġi minimizzat ir-riskju ta' ħsara lil proprjetà ta' terzi persuni jew korriment lil persuni li jistgħu jiġu kkawżati mix-xogħlijiet proposti.

RESPONSABILTAJIET

- Ir-responsabbiltà professjonali għad-dikjarazzjoni tal-metodu tibqa' tal-perit li jhejjijha. Ir-responsabbiltà għall-infurzar tal-*method statement* għandha tkun tal-uffiċjal tekniku fuq is-sit, u l-implimentazzjoni tal-miżuri tad-dikjarazzjoni tal-metodu hija tal-kuntrattur;

REGOLAMENT 4 - EZENZJONIJIET

- (a) skavar, jew struttura li żżomm ħamrija jew ilma li tappartjeni lil jew okkupata minn terzi persuni; jew
- (b) id-demolizzjoni jew tneħħija ta' kull bini eżistenti, jew bejt jew struttura li tmiss mal-limiti ta', jew biswit eżatt, sottostanti jew sovrastanti xi proprjetà ta' jew okkupata minn terzi persuni; jew
- (ċ) il-bini ta' sulari addizzjonali jew ħitan ta' support jew strutturi fuq xi proprjetà ta' jew okkupata minn terzi persuni;
- (d) il-kostruzzjoni ta' bini ġdid jew sulari addizzjonali biswit proprjetà eżistenti ta' terzi persuni.

REGOLAMENT 4 – SKAVAR U DEMOLIZZJONI

- PERIT TAL-PROGETT – DEJJEM
- METHOD STATEMENT - DEJJEM
- STO – DEJJEM, IMQABBAD MILL-KUNTRATTUR U JRID IKUN SKONT L-ISKEDA 3
- *INSURANCE* – DEJJEM
- GARANZIJA – SAKEMM L-INSURANCE MA TIPPROVDIX *GHALL-MINOR DAMAGES*

REGOLAMENT 25

- Ix-xogħlijiet ta' skavar, demolizzjoni u kostruzzjoni li jkunu nbdew imma mhux lesti fid-data tal-25 ta' Ġunju 2019 **kif ukoll dawk ix-xogħlijiet ta' skavar, demolizzjoni u kostruzzjoni li għad iridu jinbdew**, jaqgħu taħt id-dispożizzjonijiet ta' dawn ir-regolamenti:
- **Izda d-Direttur dwar ir-Regolament tal-Bini jirriserva d-dritt li jagħti l-ordnijiet xierqa skont l-esigenzi u n-natura tas-sit partikolari.**

REGOLAMENT 25 – TALBA GHAL ‘RELAXATION’

TALBA BIEX :

- JIGI RILASSAT IR-REKWIZIT LI JIRREGOLAW METHOD STATEMENTS
- JIGI RILASSAT IR-REKWIZIT LI JIRREGOLAW CONDITION REPORTS
- JIGI RILASSAT IR-REKWIZIT LI JIRREGOLAW BANK GUARANTEES

REGOLAMENT 25

TRID TISTENNA IR-RISPOSTA MID-DIRETTUR BRO

REGOLAMENT 25 – GHAL XOGHOL TA' BINI (MHUX SKAVAR/DEMOLIZZJONI)

TALBA BIEX :

- MA JIGIX APPUNTAT STO
- IL-PERIT JASSUMI L-OBLIGI TAL-ARTIKOLU 1638 (KODICI CIVILI)
- IL-BENNEJ JASSUMI L-OBLIGI TAL-ARTIKOLU 1638 (KODICI CIVILI)
- IL-KUNTRATTUR JASSUMI L-OBLIGI TA' EMPLOYER AI FINI TAL-Work Equipment (Minimum Safety and Health Requirements) Regulations, 2016 (Legal Notice 293/16)

REGOLAMENT 25 – GHAL XOGHOL TA' EMERGENZA

TALBA BIEX :

- IL-PERIT JASSUMI L-OBLIGI TAL-ARTIKOLU 1638 (KODICI CIVILI)
- IL-BENNEJ JASSUMI L-OBLIGI TAL-ARTIKOLU 1638 (KODICI CIVILI)
- IL-KUNTRATTUR JASSUMI L-OBLIGI TA' EMPLOYER AI FINI TAL-Work Equipment (Minimum Safety and Health Requirements) Regulations, 2016 (Legal Notice 293/16)

REGOLAMENT 25

TRID TISTENNA IR-RISPOSTA MID-DIRETTUR BRO

REGOLAMENT 26

- Meta qabel jibda x-xogħol, il-perit tal-proġett jiċċertifika wara li jagħti raġunijiet ċari, li **I-interventi strutturali ma jaffettwawx binjiet ta' terzi**, id-dispożizzjonijiet tar-regolamenti 4, 5, 6, 7 u 8 ma japplikawx.

REGOLAMENT 26

- ***'l-interventi strutturali ma jaffettwawx binjiet ta' terzi'***
- M'hemmx lok ta' *load redistribution* li se tikkomprometti strutturi kontigwi. (Ez: meta mhux se tingalja ma hajt)
- **IL-PERIT IRID IKUN KONVINT LI MHUX SE JIGU GENERATI HSARAT MAGGURI**

REGOLAMENT 26

**TISTA' TIPPROCEDI
MINGHAJR
AWTORIZAZZJONI TAD-
DIRETTUR**

METHOD STATEMENTS

- Perit irid iħejji *method statement* li jindika kif se jipproċedu xogħolijiet ta' demolizzjoni, skavar u bini. Il-perit huwa issa obligat li jagħmel rapport dettaljat kif provdut fi Skedi 4, 5 u 6 ta' dawn ir-regolamenti. Ix-xogħol jista' jibda biss ġimgħatejn wara sabiex il-pubbliku jkun jista' joġġezzjona u jitlob reviżjonijiet;
- Il-*method statements* se jkunu disponibbli *online* tramite l-eapps platform li diġa hi familjari mal-pubbliku;
- L-Uffiċċju għar-Regolament tal-Bini iżomm id-dritt tal-informazzjoni mogħtija f' dikjarazzjoni ta' metodu u/jew rapport ta' kondizzjoni tiġi vverifikata minn persuni indipendenti;

CONDITION REPORTS

- Perit irid iħejji *condition report* dettaljat għall-proprejatajiet kontigwi għall-iżvilupp kif provdut fi Skeda 7 ta' dawn ir-regolamenti. Ix-xogħol jista' jibda biss gimgħatejn wara sabiex il-pubbliku jkun jista' joġġezzjona u jitlob reviżjonijiet;
- Il-*condition reports* iridu jintbagħtu mill-perit tal-proġett lil dawk effettwati;
- L-Uffiċċju għar-Regolament tal-Bini iżomm id-dritt tal-informazzjoni mogħtija f' dikjarazzjoni ta' metodu u/jew rapport ta' kondizzjoni tiġi vverifikata minn persuni indipendenti;

SKEDI

- L-iskedi 4, 5, 6 u 7 huma preskrittivi biex jghinu lill-perit x'ghandu 'jinvestiga' u fl-istess hin ikun assigurat li r-rapporti jistghu jigu analizzati u kritikati;

FOURTH SCHEDULE

(Regulations 7 and 8)

(Method Statement for Demolition Works)

1. The commencement date of the works.
2. The identification of risks involved.
3. The proposed methodology, supported by any other documentation as may be required, which should specify:
 - (a) the risks involved after taking account of the structural condition of the construction itself and contiguous structures;
 - (b) the sequence of works to be undertaken;
 - (c) measures to safeguard the stability of the works being undertaken, the stability of contiguous structures or terrain as the case may be;
 - (d) the type of machinery equipment that is allowed to be used;
 - (e) the type of machinery equipment that is not allowed to be used;
 - (f) if applicable, the type of crane to be used, the location where this is to be set-up, the methodology for setting up the crane, information about ground conditions below the proposed crane locations, and other relevant information relating to the crane that may be supported by certification by a warranted engineer;
 - (g) the precautions and safeguards to be adopted:
 - (i) against instability of the structure;
 - (ii) for parts thereof being demolished;
 - (iii) for any contiguous structures;
 - (iv) for the safety of persons.
- (4) Procedure to be adopted for the loading and carting away of the resulting debris.

SKEDA 4 – METHOD STATEMENT DEMOLIZZJONI

FIFTH SCHEDULE
(Regulations 7 and 8)

SKEDA 5, PART I– METHOD STATEMENT SKAVAR

(Method Statement for Excavation Works)

1. The commencement date of the works.
2. A description of the affected zone of the excavation, explained schematically in inclusive of a dimensioned plan that includes the following:
 - (a) the limits of excavation;
 - (b) the depth of each part of the excavation;
 - (c) the affected zone of the excavation, shown shaded and dimensioned;
 - (d) the properties and buildings belonging to third parties that fall within the affected zone of the excavation.

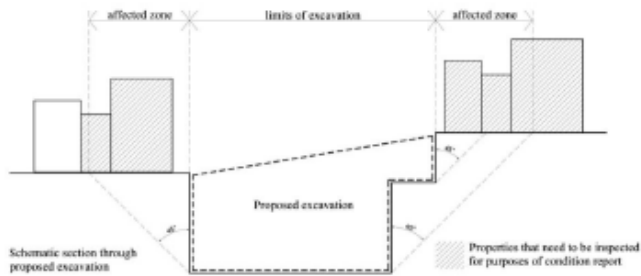


Figure 2.1 Definition of the affected zone.

3. A description of the loads acting on the ground within the affected zone shown in Figure 2.1, referenced to the condition reports as per Seventh Schedule.
4. A description of the ground conditions. This should include the following:
 - (a) identification of ground materials through the geological map of the Maltese Islands;
 - (b) information from any ground investigation reports that fall within the immediate surroundings,

- specifically within the affected zone;
- (c) information from other *periti* who have built or supervised excavation in the immediate surroundings, after having obtained the necessary consent to use this information;
 - (d) if information requested in items (b) or (c) is not available, information from a ground investigation that would need to be commissioned for the proposed project. This investigation shall be carried out from within the site that is to be excavated. In the case of excavations not exceeding 2m in depth, such information may be obtained from trial pits, whereas borehole drilling with full recovery shall be required for all other proposed excavation depths. If agreement is reached with the neighbouring third parties within the affected zone, boreholes shall be drilled, inclined, from within the site that is to be excavated, into the ground beneath the neighbouring third party properties.
5. Identification of the risks involved in carrying out the excavation, taking into account the expected strength of the ground materials, the presence or otherwise of fissures, and the loads within the affected zone.
 6. A signed declaration by the *perit* responsible for the method statement stating that after having had regard for the requirements of items 2, 3, 4 and 5, the excavation works are possible and can be safely executed.
 7. If ground improvement or underpinning is not considered necessary, a signed declaration by the *perit* responsible for the excavation method statement stating why a ground improvement intervention or an underpinning intervention is not necessary.
 8. proposed methodology of excavation, supported by any other documentation as may be required, which should specify:
 - (a) where the excavation is to be started from;
 - (b) any phasing required to achieve the required rock buttressing;

- (c) the levels that should be attained in each stage of the excavation;
- (d) the type of machinery equipment that is allowed to be used;
- (e) the type of machinery equipment that is not allowed to be used;
- (f) if applicable, the type of crane to be used, the location where this is to be set-up, the methodology for setting up the crane, the relevant ground conditions below the crane, and other information relating to the crane that may be relevant, supported by certification by a warranted engineer;
- (g) the precautions and safeguards to be adopted:
 - (i) against instability of structures falling within the affected zone;
 - (ii) for the safety of persons.

9. Procedure to be adopted for the loading and carting away of resulting debris.
10. Subject to the provisions of the Civil Code (Cap. 16.), where underpinning is to be undertaken, full details of how the underpinning works are to be executed, supported by scaled plans, sections and detailed drawings. A description of how the underpinning works are to be phased in relation to other excavation work needs to be described.
11. Issues to be observed during the excavation.
12. A signed declaration by the *perit* responsible for the excavation method statement stating that the contents of the excavation method statement were discussed with the site technical officer and the contractor/subcontractor undertaking the works, who have accepted to proceed with the works according to the method statement.
13. Any monitoring readings that are required to be undertaken during the excavation, describing where, how and what is to be measured and what results are to be tolerated prior to taking ulterior action.

SIXTH SCHEDULE

(Regulations 7 and 8)

SKEDA 6, PART I– METHOD STATEMENT BINI

(Method Statement for building works)

1. The commencement date of the works.
2. Checks showing that any existing floors are capable of sustaining the additional load being imposed by the new construction these should include:
 - (a) an estimate of existing and proposed loads in every floor, and a declaration that the structural elements of each individual floor are capable of sustaining the additional loads when checked in accordance with established codes of practice;
 - (b) a description of any additional reinforcement work that may be necessary in each floor.
3. Checks showing that the foundations of the building are capable of sustaining any additional loads placed over the existing storeys. These should include:
 - (a) an estimate of the existing and proposed loads at foundation level;
 - (b) information about the nature of the foundations of the building, including type and dimensions;
 - (c) information on the nature of the ground, supported by the respective ground investigation reports that shall be attached to the method statement.
4. Identification of risks involved. If any of the information required in items 2 and 3 is not available, then the method statement shall contain a declaration by the *perit* responsible for the project that he/she is assuming full responsibility for the structural capacity of the building, the safety of its occupants, and the safety of operatives working on its construction, notwithstanding the missing information that precludes the necessary checks from being made.
5. Proposed methodology, supported by any other documentation as may be required, which should specify:

- (a) the risks involved after taking account of the structural condition of the construction itself and contiguous structures;
 - (b) the sequence of works to be undertaken;
 - (c) measures to safeguard the stability of the works being undertaken, the stability of contiguous structures or terrain as the case may be;
 - (d) the type of machinery equipment that is allowed to be used;
 - (e) the type of machinery equipment that is not allowed to be used;
 - (f) any specific interventions required during the course of works;
 - (g) if applicable, the type of crane to be used, the location where this is to be set-up, the methodology for setting up the crane, the relevant ground conditions below the crane, and other information relating to the crane that may be relevant, supported by certification by a warranted engineer;
 - (h) the precautions and safeguards to be adopted:
 - (i) against instability of the structure;
 - (ii) for parts thereof being demolished;
 - (iii) for any contiguous structures;
 - (iv) for the safety of persons;
6. Procedure to be adopted for the loading and carting away of the resulting debris.

SEVENTH SCHEDULE

(Regulation 7)
(Condition Reports)

SKEDA 7, PART I – CONDITION REPORTS

1. Details of property.
2. Description of the structure system used for floors (e.g reinforced concrete slabs, stone slabs on timber beams, concrete frame, etc).
3. Description of the structure system used for transmitting vertical load (e.g. masonry walls, concrete columns, etc).
4. Brief description of finishes and their general condition.
5. Brief description of the condition of existing services, including, but not limited to, any leakages, blockages etc.
6. Sketch plan of property.
7. List of observed defects, by room, cross-referenced to photos.

8 In the case of properties falling within the affected zone of excavations, the report shall, in addition to items 1 to 7, include:

- (a) A dimensioned sketch plan of the lowest floor of the building.
- (b) Clear identification of the structural system of the building, within this zone, describing how load is transmitted to the foundations.
- (c) An estimate of the load reaching foundation level, in kN/m or kN.
- (d) Identification of the type and dimensions of foundations within this zone.
- (e) An estimate of the bearing pressure at foundation level in kN/m² in the case of strip footings, pad footings and raft foundations.

9 In the case of buildings over which additional floors are to be constructed, the report shall, in addition to items 1 to 7, include:

- (a) A dimensioned sketch plan of all floors of the existing building.

(b) Clear identification of the structural system of the building, within all floors describing how load is transmitted from floor to floor and to the foundations.

(c) An estimate of the loads at floor level of each floor, and reaching foundation level, in kN/m or kN.

(d) Identification of the type and dimensions of foundations of the existing building.

(e) An estimate of the bearing pressure at foundation level in kN/m² in the case of strip footings, pad footings and raft foundations.

10 If information about the foundations of the building is not readily available, this is to be clearly stated in the report, and the assumptions made in calculating the bearing pressure are to be described, for both of the above cases.

INFORMAZZJONI DWAR ' L-ISTAKEHOLDERS ONLINE

- Se jkunu disponibbli wkoll *online* tramite l-eapps platform id-dettalji ta' l-iżviluppatur, il-perit tal-proġett, il-perit/i li jħejju l-*method statement* (demolizzjoni, skavar jew bini skont il-kaz), is-*site technical officer/s*, il-kuntratturi, is-sub-kuntratturi, il-*health and safety supervisors* u s-*site manager* li jrid jinħatar ai fini tal-*Environmental Managament Construction Site Regulations*;

SECOND SCHEDULE
(Regulation 8)

SKEDA 2, STAKEHOLDERS

Developer's name and surname;

Periti in charge of the project;

Perit responsible for the demolition method statement;

Perit responsible for the excavation method statement

Perit responsible method statement for building works

Site technical officer during demolition;

Site technical officer during excavation;

Site technical officer during building works

Contractor and/or sub-contractor responsible for demolition;

Contractor and/or sub-contractor responsible for excavation;

Contractor and/or sub-contractor responsible for building works

Project supervisor as provided for in Legal Notice 88 of 2018 or subsequent amendments

Site manager as provided for in Legal Notice 295 of 2007 or subsequent amendments.

KOMPETENZA TAS-SITE TECHNICAL OFFICER

- Dak li sal-lum kien jissejjaħ '*site manager*' u li kien tenut jara li l-*method statement* jiġi segwit mill-kuntrattur se jibda jissejjaħ "uffiċjal tekniku fuq is-sit" (site technical officer) u għandu jkun perit.

KOMPETENZA TAS-SITE TECHNICAL OFFICER

- Dil-persuna mhux se tibqa' tigi nnominata mill-iżviluppatur iżda mill-kuntrattur bl-approvazzjoni tal-perit tal-proġett.
- Tali persuna hi responsabbli għall-infurzar tal-method statement/s li jkun/u se jigu esegwiti mill-kuntrattur li nnominah.
- Tali persuna trid tkun preżenti fuq is-sit kull meta jkunu qed jittieħdu deċiżjonijiet li jaffettwaw ir-riskju ta' ħsara lil proprjetà ta' terzi persuni jew korriment lil persuni li jistgħu jigu kkawżati mix-xogħlijiet.

KOMPETENZA TAS-SITE TECHNICAL OFFICER

- Tali persuna għandha obbligu twaqqaf ix-xogħol meta f'dubju.
- Tali persuna għandha obbligu twaqqaf ix-xogħol u tinforma lill-perit tal-proġett u lill-Uffiċċju għar-Regolament tal-Bini meta *l-method statement* ma jkunx qed jigi segwit;
- Issa, tali persuna trid tkun perit skont Skeda 3;

THIRD SCHEDULE

(Regulation 3)

(Competence of Site Technical Officer)

SKEDA 3, STO KOMPETENZA

In the case of demolition;

- *Perit*

In the case of excavation:

- *Perit*

In the case of building works;

- *Perit*

L-ASSIGURAZZJONI

- Issa, il-kopertura tal-assigurazzjoni m'għandhiex tkun inqas minn seba' mija u ħamsin elf euro (€750,000) u għandha tibqa' tigi mgedda sa dak iż-żmien meta kull xogħol ta' demolizzjoni, skavar jew kostruzzjoni jigu ċertifikati bħala kompluti mill-perit tal-proġett

DETERRENTI

- Se jiżdiedu il-penali għal min ma josservax id-dikjarazzjoni ta' metodu minn massimu ta' €500 għal €10,000;
- Se jiżdiedu il-penali għal min ma josservax ordni ta' infurzar: minn massimu ta' €1,200 għal €50,000;

M'HEMMX PERIJODU TRANSITORJU

- Ix-xogħlijiet ta' skavar, demolizzjoni u kostruzzjoni li jkunu nbdew imma mhux lesti fid-data tal-25 ta' Ġunju 2019 kif ukoll daww ix-xogħlijiet ta' skavar, demolizzjoni u bini li għad iridu jinbdew, jaqgħu taħt id-dispożizzjonijiet ta' dawn ir-regolamenti. Essenzjalment, ifisser li għal kull sit għa mibdi iridu jinħatru l-persuni kompetenti relattivi u jiġu sottomessi l-*condition reports* u *method statements* kif jipprovdu dawn l-istess regolamenti.

XOGHOL EZENTI MINN DAWN IR-REGOLAMENTI

- Meta qabel jibda x-xogħol, il-perit tal-proġett jiċcertifika wara li jagħti ragunijiet cari, li l-interventi strutturali ma jaffettwawx binjiet ta' terzi, id- dispożizzjonijiet tar-regolamenti 4, 5, 6, 7 u 8 ma japplikawx.
- Iżda jekk mitlub mid-Direttur, l-iżviluppatur għandu jissottometti d-dikjarazzjoni ta' metodu u, jew il-kopja ta' assigurazzjoni li tkopri terzi persuni u, jew il-garanzija bankarja, jew il-*condition report tal-binjiet* kontigwi skont id- dispożizzjonijiet ta' dawn ir-regolamenti: